



August 6, 2004

Ms. Malinda Hall
Cal/EPA - Office of the Secretary
Cal/EPA EJ Program, PO Box 2815
Sacramento, CA, 95812

Re: Comments on the Draft Intra-Agency Environmental Justice Strategy

Dear Ms. Hall:

The Environmental Health Coalition [add group names], are pleased to submit comments on the Draft Intra-Agency Environmental Justice Strategy. As we have indicated previously, we support Secretary Tamminen's two-pronged approach to address implementation of the Recommendations of the CalEPA Advisory Committee, through this Strategy and the Environmental Justice Action Plan. We also recognize that the Strategy will continue to evolve. However, we are concerned that the Strategy is not sufficiently complete to ensure implementation of the Recommendations. It is difficult to envision what actions CalEPA specifically intends to take to implement the broad Objectives contained in the Strategy. We would suggest that the next draft of the Strategy include, under each objective, the more specific actions or recommendations that will be implemented in order to achieve that objective. We also offer the following specific comments:

1. The Core Values must be expanded to include values related to intended outcomes of the Strategy.

Generally, the Values statement should include those values, which reflect the intended outcomes of the Strategy. As currently written, the Core Values of the Strategy are solely process-related values, which are not indicative of any outcome which would support the Vision and Mission of the Strategy. For example, values such as environmental justice, precaution, and pollution prevention, which are values fundamental to the Advisory Committee Recommendations, should be added to this list to make it more complete.

2. The Objectives for Goal 1 are incomplete and should be expanded to include the concepts of two-way communication with the community, early outreach to communities, and capacity-building.

We understand that the Objectives are intended to be broad concepts that are designed to implement the Vision. However, there are key concepts to public participation that, though perhaps intended to be included in the Objectives, should be spelled out more clearly. First, two-way communication is critical to successfully incorporating environmental justice concepts into public participation. Absent an express dedication to provide for meaningful public participation in this way, the Strategy could be implemented in such a way as to continue the standard Decide-Announce-Defend paradigm that has unfortunately served as the foundation for public participation for decades. Second, the concept of early, regular, and proactive communication with communities, not just when an environmental decision or concern arises, should also be specified. These concepts were reflected in the Recommendations including:

- Initiate outreach efforts as early as possible in the decision-making process...
- Initiate communication with communities before environmental decisions/concerns arise...
- Ask community members to identify issues, questions, and/or concerns, separate from the agency's agenda

Finally, though capacity-building as a concept is included in Goal 1, it is only vaguely referenced in the Objectives for this Goal. Capacity-building is a fundamental concept to effective public participation, and should be more clearly stated as an Objective.

3. The Objectives for Goal 2 do not reflect the breadth and complexity of the Advisory Committee Recommendations.

As you know, Goal 2 was the only goal to have met with significant controversy in the Advisory Committee process. The Recommendations developed under this goal were hard-fought, and include concepts critical to truly integrating environmental justice into CalEPA's programs. Yet, the seven Objectives included in the Strategy barely scratch the surface of the five pages of Recommendations which relate to Goal 2. Concepts such as cumulative impacts and pollution prevention are not reflected in the Objectives. The effective implementation of this goal, more than any of the others, will produce tangible benefits for communities. For this reason, it is most important that the Objectives, and subsequent Actions to promote those Objectives, clarify CalEPA's intent with regard to implementation of the Recommendations. We thus request that this portion of the Strategy be significantly re-written.

4. The Objectives for Goal 3 do not include several concepts important to future research in environmental justice issues.

Again, the Objectives for this Goal are so broad that it is difficult to determine what specifically is intended. However, the Recommendations included research into issues of cumulative impacts, bio-monitoring, vulnerable populations, and multi-media analysis, to name a few, and we would suggest that these concepts be specifically included in the Objectives for this Goal.

Conclusion

Thank you for your consideration of our comments. We look forward to continuing to work with you to develop the Strategy and Action Plan, and to achieve environmental justice in California.

Sincerely,

Antonio Diaz, Executive Director
People Organizing to Demand Environmental & Economic Rights

Paula Forbis, Interim Associate Director
Environmental Health Coalition

Penny Newman, Executive Director
Center for Community Action and Environmental Justice